

COUNTY OF SUFFOLK



EDWARD P. ROMAINÉ
SUFFOLK COUNTY EXECUTIVE

CHRISTOPHER J. CLAYTON
COUNTY ATTORNEY

DEPARTMENT OF LAW

February 16, 2024

Hon. Lee G. Dunst, U.S.M.J.
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

RE: *King v. Antoniadis, et al.*
2:23-CV-6393 (RER)(LGD)

Dear Judge Dunst,

Pursuant to Your Honor's February 2, 2024 Order, the within constitutes the Defendants' supplemental letter. Addressing the factors laid out in *Enron Oil Corp v. Diakuhara*, 10 F.3d 90, 96 (2d Cr. 1993), the undersigned states the following:

The default in this matter was not willful. All but one of the Defendant officers were served with the Complaint at the First Precinct in August 2023. However, the Office of the Suffolk County Attorney never received a notification that the officers had been served, and thus, this office was unaware that the time to answer Plaintiff's Complaint had begun to run. It also appears the request for certificate of default (DE 7) was not served upon the Defendant officers or this office. There would be no prejudice to the Plaintiff in this matter- this request to vacate the Defendants' default was made with the consent of the Plaintiff, as evidenced by the parties' signed stipulation to vacate the default (DE 11). Furthermore, the default was entered approximately one month ago. This case should be adjudicated on its merits, rather than procedure.

I thank the Court for its continued courtesies.

Respectfully submitted,

Christopher J. Clayton
Suffolk County Attorney
/s/ Callan W. Tauster
Callan W. Tauster
Assistant County Attorney

CC: Robert Rickner, Esq., Attorney for the Plaintiff (via ECF)